

From: Kathy Hodgkiss/R3/USEPA/US
Sent: 4/18/2012 5:41:33 PM

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CC:
Subject: Fw: Dimock Daily Report: April 18, 2012

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----- Forwarded by Kathy Hodgkiss/R3/USEPA/US on 04/18/2012 05:41 PM -----

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Date: 04/18/2012 05:40 PM
Subject: Dimock Daily Report: April 18, 2012

Date: April 18, 2012

FIELD ACTIVITY

Water Supply (Gerald Heston)

Provision of alternate water continues to keep water tanks filled.

Water Sampling (Gerald Heston)

No homes sampled today; no additional homes scheduled yet.

COMMUNICATIONS (Gerald Heston)

Site team continues to finalize other data packages in preparation for roll-out over the next several weeks.

Of the 17 homes sampled during week 3: 12 have been scheduled to receive data packages by the end of the week, messages have been left at 4 homes to schedule appointments and 1 home was not able to be contacted. The site team will continue to call and stop by in person at this last residence.

CONGRESSIONAL (Jennie Saxe)

On April 18, 2012, Dennis Carney, Ron Borsellino, Cecil Rodrigues, and Jennie Saxe provided a briefing via conference call to Congressman Marino's Deputy Chief of Staff, District Director, and District Representative. PADEP also participated -- on the line were Secretary Krancer, Deputy Secretary Scott Perry, Chief Counsel David Raphael, as well as other staff. EPA staff from OECA and OSWER were also on the line.

EPA R3 led the briefing, providing background on the action (how and why we became involved), an overview of the sampling to date, the process on sharing data with residents, and next steps (next sets of data releases, resampling, radionuclides data). Staff asked questions about the data used as the basis for the action as well as other activities in the area (possible former orchard) which may have contributed to groundwater contamination at one of the wells sampled. EPA stated that our primary focus was investigating the water quality and getting sound data to residents, but that we would follow-up on the possible existence of an orchard. Congressional staff also asked if EPA has been in contact with the litigants' attorney and asked if any data that we have asked for has not been provided (we referenced the small amount of outstanding info we expect from Cabot's 104(e) response).

Congressional staff asked why EPA was superseding PADEP's authority; Secretary Krancer followed up with a statement that PADEP has studied the area fully and has a robust oil and gas program (unlike EPA); however, he noted that PADEP did not oppose EPA's action. Secretary Krancer did assert that EPA's action ignored the Memorandum of Understanding (MOU) in place between the Commonwealth and EPA. EPA followed up to clarify that the Agency was not superseding state authorities, and that the MOU covers remedial actions, but not removal actions such as this one. The question of the cost of the action was also raised; general numbers were provided, with specifics to follow. Secretary Krancer stated that the funds used on this action could be better used to redevelop Brownfields/Act 2 sites in PA (though this is not technically a possible use of the removal funds). Secretary Krancer also asserted that this is the first time that EPA has "used this authority"; the Congressman's staff said that - if true - was troubling.

Ex. 5 - Deliberative

LEGAL ISSUES

None reported.

Please let me know if you have questions.

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